



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,668	05/29/2001	Satoshi Shimomura	Q64717	4160
7590 10/19/2004			EXAMINER	
SUGHRUE, MION, ZINN MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037			ZEWDU, MELESS NMN	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,668	Applicant(s) SHIMOMURA, SATOSHI	
	Examiner Meless N Zewdu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15, 16, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 15, 16, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 8/23/04.
2. Claims 1-10, 15, 16, 25 and 26 are pending in this action.
3. Claims 11-14 and 17-24 were canceled in a previous amendment (see paper Nos. 5 and 6).
4. The Lydon et al. reference (US 6,569,012 B2) has been withdrawn from further consideration in response to applicant's argument presented with the current amendment.
5. Finality is withdrawn based on applicant's claim of priority, acknowledged before by examiner, and submission of translation of the prior document, accompanying the current amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (Walker) (US 6,224,486 B1) in view of Hasegawa et al. (Hasegawa) (US 6,570,080 B1).

As per claim 8: Walker et al discloses a computer-readable recording medium which stores a program and which is used in an audition system to carry out a preliminary

Art Unit: 2683

examination (abstract, #102 fig. 1, col. 5 lines 46-61), the program comprising the steps of:

requesting a person using the recording medium to input personal identification information (abstract, fig. 3-4, col. 6 lines 21-67);

generating an execution result obtained by executing the program (abstract, fig. 3, col. 7 line 21 thru col. 9 line 31), and

producing (generating) a total personal password of the person from the personal identification information and the execution result (abstract, fig. 3-4, col. 6 line 27 thru col. 9 line 31). However, Walker et al. does not specifically disclose a program is used in an audition system to carry out a preliminary examination.

Hasegawa et al. teaches about an audition/test system to carry out a preliminary examination wherein the test is conducted between a mobile user and a server and the test is directed to a mobile user listening to a sample of music and run under control of a software program (see abstract; figs. 2-4, 7-9B, particularly fig. 9A; col. 2, line 5-col. 4, line 16; col. 14, line 63-col. 16, line 15). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Walker et al. system with the teaching of Hasegawa et al. For the advantage of users' to test-listen a musical piece before buying the musical product (see col.3, lines 19-37).

Regarding claim 9, Walker further discloses a computer-readable recording medium as claimed in claim 8, said program further comprising the step of: executing a predetermined game program to obtain a game program execution result (col. 7 lines

Art Unit: 2683

21-65) and to generate the game program execution result as the execution result (col. 8 line 44 thru col. 9 line 6).

Regarding claim 10, Walker further discloses a computer-readable recording mediums as claimed in claim 8, said program further comprising the step of: executing a predetermined educational program (trivia tournament and question/answer) to obtain an educational program execution result (col. 7 lines 21-65) and to generate the educational program execution result as the execution result (col. 7 lines 21-65, and col. 8 line 44 thru col. 9 line 6).

Allowable Subject Matter

Claims 1-7, 15, 16, 25 and 26 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claims 1-7, 15, 16, 25 and 26: the claims are directed to formulating/composing password for a cell phone participating in an auditioning/testing system. The prior art of record does not teach or fairly suggest a method of/a system in a cell phone for generating and transmitting a total personal password according to the features of claims 1, 15 and 26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

Examiner

13 October 2004.


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600